



TOWN OF WESTFORD
CONSERVATION COMMISSION
TOWN HALL
55 Main Street
Westford, Massachusetts 01886

ARTICLE : to see if the Town will vote to amend its nonzoning wetlands bylaw (Chapter 171, Code of the Town of Westford) as follows: Amend Section 171-2.A by deleting the term “vernal pool” where it currently appears between the words, “swamp” and “or beach” and adding the following phrase at the end of the existing paragraph

“or within two hundred (200) feet of any vernal pool.”

And amend Section 171-9. (Definitions) by deleting the definition of “Vernal Pool” as it currently reads and replacing it as follows:

“The term “vernal pool” shall include, in addition to that already defined under the Wetlands Protection Act, G.L. Ch. 131, §40 and Regulations thereunder, 310 CMR 10.00, and as excerpted in the Massachusetts Aerial Photo Survey of Potential Vernal Pools, Massachusetts Natural Heritage & Endangered Species Program, 2001, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas, or driveways which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, contains 200 cubic feet of water at some time during most years (an isolated wetland may be determined to be a vernal pool even though it has less than 200 cubic feet of water at some time most years), is free of adult predatory fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species, regardless of whether the site has been certified by the Massachusetts Division of Wildlife and Fisheries, Natural Heritage and Endangered Species Program. The presumption of essential habitat value may be overcome by the presentation of credible evidence which in the judgment of the Commission demonstrates that the basin or depression does not provide the habitat functions as specified in the Bylaw regulations. The adjacent upland resource area for vernal pools shall extend 200 feet from the mean annual high-water line defining the depression, or one-half of the distance between the vernal pool and any existing house foundation, whichever is less. In either case the adjacent upland resource area for vernal pools shall not extend over lawns, gardens, landscaped or developed areas existing at the time of the adoption of these regulations.”

Or act in relation, thereto.